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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,180

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EXAMINER

LIU, I JUNG

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/090,180

Applicant(s)

MCQUAIDE ET AL.

Examiner

Marissa Liu

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to a reply submitted 5/21/2007. Claims 1-18 are pending in the application. Claims 1, 5-11, and 13-18 are amended. In view of Applicant's amendment, the Examiner withdraws the ground of rejection of claims 1-18 based on 35 USC 102 and 35 USC 103. However, new grounds of rejections of claims 1-18 necessitated by Applicant's amendment are established in the instant office action as set forth in detail below.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 6-8, 10 and 18 are rejected under 35 U.S.C. 102(a) as being anticipated by Ahuja et al., US Publication Number: 2002/0013711 A1

3. As per claim 1 or 10 or 18, Ahuja et al. teaches a credit alert system or method, comprising:

an account server for receiving an alert regarding at least one of available credit and credit status for a credit card account (¶ 0041);

an account database in communication with the server for storing information assigned to the account (¶ 0050; ¶ 0041);

an application module in communication with the account server for receiving credit alerts for preparing a message to communicate to a wireless device (§ 0041; Fig. 6A).

4. As per claim 6, Ahuja et al. teaches the system of claim 1 described above. Ahuja et al. further teaches wherein the wireless device is a wireless telephone (§ 0041).

5. As per claim 7, Ahuja et al. teaches the system of claim 1 described above. Ahuja et al. further teaches wherein the wireless device is a personal digital assistant (§ 0007; § 0041).

6. As per claim 8, Ahuja et al. teaches the system of claim 1 described above. Ahuja et al. further teaches wherein the wireless device is a pager (§ 0041).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja et al., US Publication Number: 2002/0013711A1 in view of Kolsky et al, US Publication Number: 2002/0022485 A1.

9. As per claim 2 or 11, Ahuja et al. teaches the system or method of claim 1 described above. Ahuja et al. does not teach wherein the wireless device is Wireless

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Application Protocol (WAP) enabled. Kolsky et al. teaches wherein the wireless device is Wireless Application Protocol (WAP) enabled (§§ 0014; § 0025).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add wireless device is Wireless Application Protocol (WAP) enabled feature to the credit alert system of Ahuja et al. because Kolsky et al. teaches that the feature helps to provide access to resources on heterogeneous network, to access resources associated with different network (§§ 0014; § 002).

10. As per claim 3 or 12, Ahuja et al. and Kolsky et al. teach the system or method of claim 2 or 11 described above. Ahuja et al. teaches wherein the message is communicated to the wireless device via a gateway in communication with the account server and the wireless device (§§ 0035-0036; § 0041; § 0050).

11. As per claim 4 or 13, Ahuja et al. and Kolsky et al. teach the system or method of claim 3 described above. Ahuja et al. does not teach wherein the gateway includes a push proxy. Kolsky et al. further teaches wherein the gateway includes a push proxy (§ 0069).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a push proxy feature to the combined credit alert system or method of Ahuja et al. and Kolsky et al. because Kolsky et al. teaches that adding the feature helps to provide access to resources on heterogeneous network, to access resources associated with different network (§§ 0014; § 002).

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12. As per claim 5, Ahuja et al. and Kolsky et al. teach the system of claim 4 described above. Ahuja et al. does not teach wherein the gateway includes a WAP push proxy. Kolsky et al. further teaches wherein the gateway includes a WAP push proxy (§ 0068-0072).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the gateway includes a WAP push proxy feature to combined credit alert system of Ahuja et al. and Kolsky et al. because Kolsky et al. teaches that adding the feature helps to provide access to resources on heterogeneous network, to access resources associated with different network (§ 0014; § 002).

13. As per claim 14, Ahuja et al. and Kolsky et al. teach the method of claim 13 described above. Ahuja et al. further teaches wherein the message is transmitted when the credit card account exceeds a predetermined amount (§ 0041).

14. As per claim 15, Ahuja et al. and Kolsky et al. teach the method of claim 13 described above. Ahuja et al. further teaches wherein the message is transmitted upon nonreceipt of a credit payment (§ 0041).

15. As per claim 16, Ahuja et al. and Kolsky et al. teach the method of claim 13 described above. Ahuja et al. further teaches wherein the message is transmitted upon the credit card account's designation as past due (§ 0041).

16. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja et al., US Publication Number: 2002/0013711A1 in view of Official Notice.

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17. As per claim 9, Ahuja et al. teaches the system of claim 1 described above.

Ahuja et al. does not teach wherein the wireless device is a portable computer having a wireless modem.

Official Notice is taken wherein the wireless device is a portable computer having a wireless modem is old and well established in the telecommunication and banking industry . It would have been obvious to one having ordinary skill in the art at the time of the invention to have included a portable computer having a wireless modem to the credit alert system.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahuja et al., US Publication Number: 2002/0013711A1 in view of Kolsky et al, US Publication Number: 2002/0022485 A1, further in view of Official Notice.

19. As per claim 17, Ahuja et al. and Kolsky et al. et al. teach the method of claim 13 described above. Ahuja et al. and Kolsky et al. et al. do not teach wherein the message is transmitted upon suspension of the credit card account.

Official Notice is taken transmit a message when credit card account is closed is old and well established in the credit card and banking industry. It would have been obvious to one having ordinary skill in the art at the time of the invention to have included transmit a message when credit card account is closed.

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Response to Arguments

20. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

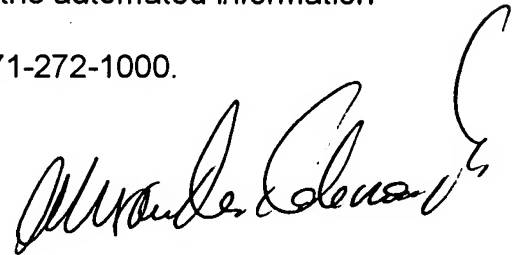
21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6711. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", with a large, stylized flourish extending from the end of the signature.

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER